

MINIMUM FILING FEE: \$100.00
FILE ORIGINAL & ONE COPY
TYPE OR PRINT IN BLACK INK
(For explanation of entries required, see
booklet "How to File an Application to
Appropriate Water in California")

STATE OF CALIFORNIA
State Water Resources Control Board
DIVISION OF WATER RIGHTS
901 P Street, Sacramento
P. O. Box 2000, Sacramento, CA 95812-2000

Working Copy
(FF-7)

acceptance date
3-28-03 all shirley
letter
from

APPLICATION TO APPROPRIATE WATER BY PERMIT

Application No. _____

31426

(Leave blank)

2003 MAY 15 PM 12:57

STATE WATER RESOURCES
CONTROL BOARD

1. APPLICANT

Mark Welch

(Name of applicant)

(707) 743 - 1454

(Telephone number where you may be reached
between 8 a. m. and 5 p. m. - Include area code)

10751B Main St.

(Mailing address)

Potter Valley

(City or town)

CA

(State)

95469

(Zip code)

2. SOURCE

a. The name of the source at the point of diversion is Russian River

(If unnamed, state that it is an unnamed stream, spring, etc.)

tributary to Pacific Ocean

b. In a normal year does the stream dry up at any point downstream from your project? YES ☐ NO ☒ If yes, during
what months is it usually dry? From _____ to _____

What alternate sources are available to your project should a portion of your requested direct diversion season be
excluded because of a dry stream or nonavailability of water? N/A

3. POINTS of DIVERSION and REDIVERSION

a. The point(s) of diversion will be in the County of Mendocino

b.	List all points giving coordinate distances from section corner or other tie as allowed by Board regulations i. e. California Coordinate System	Point is within (40-acre subdivision)	* Section	Township	Range	Base and Meridian
POD #1	Point of diversion to off- stream storage @ reservoir N. 550, 325 E. 1,662, 498 280 2004	A NW 1/4 of SW 1/4	9	15N	12W	MD
RES A	Place of storage for water diverted @ POD #1	SE 1/4 of SW 1/4	9	15N	12W	MD

c. Does applicant own the land at the point of diversion? YES ☒ NO ☐

d. If applicant does not own the land at point of diversion, state name and address of owner and what steps have been taken
to obtain right of access: _____

FOR0053-R2

4. PURPOSE of USE, AMOUNT and SEASON

a. In the table below, state the purpose(s) for which water is to be appropriated, the quantities of water for each purpose,
and the dates between which diversions will be made. Use gallons per day if rate is less than 0.025 cubic foot per second
(approximately 16,000 gallons per day). Purpose must only be "Domestic" for registration of small domestic use.*

PURPOSE OF USE (Irrigation, Domestic, etc.)	DIRECT DIVERSION				STORAGE		
	QUANTITY		SEASON OF DIVERSION		AMOUNT Acre-feet per annum	COLLECTION SEASON	
	RATE (Cubic feet per second or gallons per day)	AMOUNT (Acre-feet per year)	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)		Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)
Irrigation					45	11/1	6/30
Frost Protection							
Heat Control							
Incidental Recreation							
Fire Protection							

b. Total combined amount taken by direct diversion and storage during any one year will be 45 acre-feet.

*Not to exceed 4,500 gallons per day by direct diversion or 10 acre-feet per annum by storage.

5. JUSTIFICATION OF AMOUNT

a. IRRIGATION: Maximum area to be irrigated in any one year is 26 acres.

CROP	ACRES	METHOD OF IRRIGATION (Sprinklers, flooding, etc.)	ACRE-Feet PER YEAR	NORMAL SEASON	
				Beginning Date	Ending Date
Vineyard	26	Drip	45	4/15	11/15

b. DOMESTIC: Number of residences to be served is . Separately owned? YES ☐ NO ☐
Total number of people to be served is . Estimated daily use per person is (Gallons per day)
Total area of domestic lawns and gardens is square feet.
Incidental domestic uses are
(Dust control area, number and kind of domestic animals, etc.)

c. STOCKWATERING: Kind of stock Maximum number
Describe type of operation:
(Feed lot, dairy, range, etc.)
Incidental

d. RECREATIONAL: Type of recreation: Fishing ☒ Swimming ☒ Boating ☐ Other ☐

e. MUNICIPAL: (Estimated projected use)

POPULATION 5-Year periods until use is completed		MAXIMUM MONTH		ANNUAL USE		
PERIOD	POP.	Average daily use (gal. per capita)	Rate of diversion (cfs)	Average daily use (gal. per capita)	Acre-foot (per capita)	Total acre-feet
Present						

Month of maximum use during year is . Month of minimum use during year is .

f. HEAT CONTROL: The total area to be heat protected is 26 net acres.
Type of crop protected is vineyard
Rate at which water is applied to use is 35 gpm per acre.
The heat protection season will begin about 7/1 and end about 10/15
(Date) (Date)

g. FROST PROTECTION: The total area to be frost protected is 26 net acres.
Type of crop protected is vineyard
Rate at which water is applied to use is 55 gpm per acre.
The frost protection season will begin about 3/1 and end about 5/15
(Date) (Date)

h. INDUSTRIAL: Type of industry is
Basis for determination of amount of water needed is

i. MINING: The name of the claim is . Patented ☐ Unpatented ☐
The nature of the mine is . Mineral to be mined is
Type of milling or processing is
After use, the water will be discharged into
(Name of stream)
In 1/4 of 1/4 of Section , T , R , B. & M.
(40-acre subdivision)

j. POWER: The total fall to be utilized is feet. The maximum amount of water to be used through the penstock is cubic feet per second. The maximum theoretical horsepower capable of being generated by the works is . Electrical capacity is kilowatts at % efficiency.
(Cubic feet per second x fall ÷ 8.8) (Hp x 0.746 x efficiency)
After use, the water will be discharged into
(Name of stream)
In 1/4 of 1/4 of Section , T , R , B. & M. FERC No.
(40-acre subdivision)

k. FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT: YES ☐ NO ☐ If yes, list specific species and habitat type that will be preserved or enhanced in Item 17 of Environmental Information form WR 1-2.

l. OTHER: Describe use: Fire Protection. Basis for determination of amount of water needed is will be incidental to other uses.

6. PLACE OF USE

- a. Does applicant own the land where the water will be used? YES ☒ NO ☐ Is land in joint ownership? YES ☐ NO ☒
(All joint owners should include their names as applicants and sign the application.)
If applicant does not own land where the water will be used, give name and address of owner and state what arrangements have been made with the owner.

b.

USE IS WITHIN (40-acre subdivision)	* SECTION	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Number of acres	Presently cultivated (Y/N)
NW 1/4 of SW 1/4	9	15N	12W	MD	11	Y
NE 1/4 of SW 1/4	9	15N	12W	MD	6	Y
SW 1/4 of SW 1/4	9	15N	12W	MD	5	Y
SE 1/4 of SW 1/4	9	15N	12W	MD	4	Y
1/4 of 1/4						
1/4 of 1/4						

(If area is unsurveyed, state the location as if lines of the public land survey were projected, or contact the Division of Water Rights. If space does not permit listing all 40-acre tracts, include on another sheet or state sections, townships and ranges, and show detail on map.)

* projected

7. DIVERSION WORKS

- a. Diversion will be by gravity by means of _____
(Dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)
b. Diversion will be by pumping from channel Pump discharge rate 2.7 cfs Horsepower 75
(Sump, offset well, channel, reservoir, etc.) ~~X cfs X hp~~
c. Conduit from diversion point to first lateral or to offstream storage reservoir:

CONDUIT (Pipe or channel)	MATERIAL (Type of pipe or channel lining) (Indicate if pipe is buried or not)	CROSS SECTIONAL DIMENSION (Pipe diameter or ditch depth and top and bottom width)	LENGTH (Feet)	TOTAL LIFT OR FALL		CAPACITY (Estimate)
				Feet	+ or -	
Pipe	PVC	10"	700	14	+	2.7 cfs

POD #1
to Res. A

Offstream

- d. Storage reservoirs: (For underground storage, complete Supplement 1 to WR1, available upon request.)

Name or number of reservoir, if any	DAM				RESERVOIR		
	Vertical height from downstream toe of slope to spillway level (ft.)	Construction material	Dam length (ft.)	Freeboard Dam height above spillway crest (ft.)	Approximate surface area when full (acres)	Approximate capacity (acre-feet)	Maximum water depth (ft.)
Res. A	23	Earth	1500*	3	3	45	20
*Reservoir is square (375' on each side)							

- e. Outlet pipe: (For storage reservoirs having a capacity of 10 acre-feet or more.)

Diameter of outlet pipe (inches)	Length of outlet pipe (feet)	FALL (Vertical distance between entrance and exit of outlet pipe in feet)	HEAD (Vertical distance from spillway to outlet pipe in reservoir in feet)	Estimated storage below outlet pipe entrance (dead storage)
Reservoir	is an offstream pit type	reservoir.		
Dewatering	will be accomplished by	pumping.		

- f. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to offstream storage will be 2.7 cfs Diversion to offstream storage will be made by: ☒ Pumping ☐ Gravity

8. COMPLETION SCHEDULE

- a. Year work will start 2003 b. Year work will be completed 2005
c. Year water will be used to the full extent intended 2006 d. If completed, year of first use _____

9. GENERAL

- a. Name of the post office most used by those living near the proposed point of diversion is Ukiah
- b. Does any part of the place of use comprise a subdivision on file with the State Department of Real Estate? YES ☐ NO ☒
If yes, state name of the subdivision _____
If no, is subdivision of these lands contemplated? YES ☐ NO ☒
Is it planned to individually meter each service connection? YES ☐ NO ☒ If yes, When? _____
- c. List the names and addresses of diverters of water from the source of supply downstream from the proposed point of diversion: See files of SWRCB
- d. Is the source used for navigation, including use by pleasure boats, for a significant part of each year at the point of diversion, or does the source substantially contribute to a waterway which is used for navigation, including use by pleasure boats? YES ☒ NO ☐ If yes, explain: _____

10. EXISTING WATER RIGHT

Do you claim an existing right for the use of all or part of the water sought by this application? YES ☐ NO ☒
If yes, complete table below:

Nature of Right (riparian, appropriative, groundwater.)	Year of First Use	Purpose of use made in recent years Including amount, if known	Season of Use	Source	Location of Point of Diversion

11. AUTHORIZED AGENT (Optional)

With respect to ☒ all matters concerning this water right application ☐ those matters designated as follows:
Wagner & Bonsignore, Consulting Civil Engineers, A Corp.

(Name of agent) (916) 441 - 6850
(Telephone number of agent between 8 a. m. and 5 p. m.)
444 North Third Street, Suite 325 Sacramento, CA 95814-0228
(Mailing address) (City or town) (State) (Zip code)

is authorized to act on my behalf as my agent.

12. SIGNATURE OF APPLICANT

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.
Dated MARCH 21 2003, at POTTER VALLEY, California

Ms. Mr. Mark W. Welch
Miss. Mrs. (Signature of applicant)
(If there is more than one owner of the project,
please indicate their relationship.)

Ms. Mr.
Miss. Mrs. (Signature of applicant)

Additional information needed for preparation of this application may be found in the Instruction Booklet entitled "HOW TO FILE AN APPLICATION TO APPROPRIATE WATER IN CALIFORNIA". If there is insufficient space for answers in this form, attach extra sheets. Please cross-reference all remarks to the numbered item of the application to which they may refer. Send original application and one copy to the STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS, P. O. Box 2000, Sacramento, CA 95812-2000, with \$100 minimum filing fee.

NOTE:

If this application is approved for a permit, a minimum permit fee of \$100 will be required before the permit is issued.
There is no additional fee for registration of small domestic.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
901 P Street, Sacramento
P. O. Box 2000, Sacramento, CA 95810

STATE WATER RESOURCES
CONTROL BOARD
DIVISION OF WATER RIGHTS
SACRAMENTO
2003 MAY 15 PM 12:57

APPLICATION TO APPROPRIATE WATER BY PERMIT
ENVIRONMENTAL INFORMATION

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO. 31426
(leave blank)

The following information will aid in the environmental review of your application as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR APPLICATION TO BE ACCEPTED AS COMPLETE, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your application being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form.

PROJECT DESCRIPTION

1. Provide a brief description of your project, including but not limited to type of construction activity, structures existing or to be built, area to be graded or excavated and project operation, including how the water will be used.

The purpose of this project is to construct a storage reservoir to divert water from the Russian River in the winter months so as to reduce the reliance on summer diversions. This project involves the diversion of water from the Russian River, at Point of Diversion #1 (POD #1), for storage in a proposed offstream pit reservoir (Reservoir A), located on the Applicant's property. The water will be used for irrigation, frost protection, and heat control of 26 acres of existing vineyard, and fire protection and incidental recreational purposes at the Reservoir. The existing vineyard has been in place since the 1950's, and is currently being irrigated with water diverted from the Russian River pursuant to the Mendocino County Russian River Flood Control and Water Conservation Improvement District Permit 12947B (Application 12919B), and pursuant to claim of riparian right.

The diversion facility at POD #1 is existing and is also used (pursuant to an access easement) by a neighbor, Kenneth Ford, under his water right Permit 20526 (Application 29406). Water is currently diverted from the Russian River at POD #1 by a 10 hp pump with capacity of 160 gpm and is conveyed through an existing 2-inch diameter PVC pipeline to serve the Applicant's vineyard and the lands of Ford under Permit 20526. It is proposed that a 10-inch diameter PVC pipe will be installed from POD #1 to the proposed offstream Reservoir at Point A. The proposed capacity of Reservoir A will be approximately 45 acre-feet.

GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your water right application, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared for your project by another agency, we must consider it. If one has not been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your project. The following questions are designed to aid us in that determination.

2. Contact your county planning or public works department for the following information:

- (a) Person contacted Mendocino County Date of contact 1/29/03
Department Planning & Building Telephone (707) 463-4281
- (b) Assessor's Parcel No. 178-180-01
- (c) County Zoning Designation Ag-40 and flood plain
- (d) Are any county permits required for your project? Yes If you answered yes, check appropriate spaces below:
X Grading Permit, _____ Use Permit, _____ Watercourse Obstruction Permit,
_____ Change of Zoning, _____ General Plan Change, _____ Other explain: _____
- (e) Have you obtained any of the required permits described above? No If you answered yes, provide a complete copy of each permit obtained.

3. Are any additional state or federal permits required for your project? No [i.e., from Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Safety of Dams), Reclamation Board, Coastal Commission, State Lands Commission, etc.] For each agency from which a permit is required provide the following information:

Permit type _____
Person contacted _____ Agency _____
Date on Contract _____ Telephone () _____

4. Has any public agency prepared an environmental document for any aspect of your project? No
If so, please submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the public agency.

If not, explain below whether you expect that a public agency other than the State Water Resources Control Board will be preparing an environmental document for your project or whether the applicant, if it is a California public agency, will be preparing the environmental document for your project:

The Applicant expects the State Water Resources Control Board will be the lead agency for the preparation of the appropriate environmental documents for this project.

Note: When completed, please submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Resources Control Board. Processing of your water right application cannot proceed until such documents are submitted.

5. Will your project, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity or sedimentation? No If so, explain: _____

If you answered yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number):

Will a waste discharge permit be required for your project? _____

Person contacted _____ Date of contact _____

What method of treatment and disposal will be used? _____

6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency? No, but an archeological report will be conducted in 2004, and a copy of the report will be submitted to the SWRCB when complete.

Do you know of any archeological or historical sites located within the general project area? No

If so, explain: _____

ENVIRONMENTAL SETTING

7. Attach **THREE COMPLETE SETS** of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:
- (a) Along the stream channel immediately downstream from the proposed point(s) of diversion
 - (b) Along the stream channel immediately upstream from the proposed point(s) of diversion
 - (c) At the place(s) where the water is to be used

Note: It is very important that you submit no less than three complete sets of photographs as required above. If less than three sets are submitted, processing of your application will be delayed until you furnish the remaining sets!

8. From the list given below, mark or circle the general plant community types which best describe those which occur within your project area (Note: See footnote denoted by * under Question 11 below):

Tree Dominated Communities

Subalpine Conifer
Red Fir
Lodgepole Pine
Mixed Conifer
 Sierran Mixed Conifer
 White Fir
 Klamath Mixed Conifer
Douglas-Fir
Jeffrey Pine
Ponderosa Pine
Eastside Pine
Redwood
Pinyon-Juniper
Juniper
Aspen
Closed-Cone Pine-Cypress
Montane Hardwood-Conifer
Montane Hardwood
Valley Foothill Hardwood
 Blue Oak Woodland
 Valley Oak Woodland
 Coastal Oak Woodland
Valley Foothill Hardwood-Conifer
 Blue Oak-Digger Pine
Eucalyptus
Montane Riparian
Valley Foothill Riparian
Desert Riparian
Palm Oasis
Joshua Tree

Shrub Dominated Communities

Alpine Dwarf-Shrub
Low Sage
Bitterbrush
Sagebrush
Montane Chaparral
Mixed Chaparral
Chamise-Redshank Chaparral
Coastal Scrub
Desert Succulent Shrub
Desert Wash
Desert Scrub
Alkali Desert Scrub

Herbaceous Dominated Communities

Annual Grassland
Perennial Grassland
Wet Meadow
Fresh Emergent Wetland
Saline Emergent Wetland
Pasture

Aquatic Communities

✓ Riverine
Lacustrine
Estuarine
Marine

Developed Communities

Cropland
✓ Orchard-Vineyard
Urban

Literature source: Mayer, K.E., and W.F. Laudenslayer, Jr., (eds). 1988. A Guide to Wildlife Habitats of California. California Department of Forestry and Fire Protection, Sacramento. 166 pp. (Note: You may view a copy of this document at our public counter at the address given at the top of this form or you may

purchase a copy by calling the California Department of Fish and Game, Wildlife Habitat Relationships (WHR) Program, at (916) 653-7203.)

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to construction and operation of your project. Consider all aspects of your project, including diversion structures, water distribution and use facilities, and changes in the places of use due to additional water development.

Future impacts on trees and shrubs in the project area will be minimal. All future development and construction are proposed in the existing vineyard areas. The diversion facilities on the Russian River are existing and no future development is required. The proposed reservoir and connecting pipeline are to be constructed in areas currently developed as vineyard. A biological survey is planned for the Spring of 2004.

FISH AND WILDLIFE CONCERNS

10. Identify the typical species of fish which occur in the source(s) from which you propose to divert water and discuss whether or not any of these fish species or their habitat has been or would be affected by your project (Note: See footnote denoted by * under Question 11 below):

The typical species of fish that seasonally occur in the Russian River are Coho Salmon and Steelhead Trout. All diversion structures are existing, and have been in place for many years. It is intended to divert water during the winter months, when it is readily available, so there will be no additional impacts to the fishery habitat on the Russian River in the future.

11. Identify the typical species of riparian and terrestrial wildlife in the project area and discuss whether or not any of these species and/or their habitat has been or would be affected by your project through construction of water diversion and distribution works and changes in the places of water use (Note: See footnote denoted by * below):

A biological survey will be conducted in Spring 2004 to address the biological setting of the project. A copy of the report will be submitted to the SWRCB when complete.

***Note:** The purposes of Questions 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the project area and whether these species might be affected by your project. Detailed site surveys to quantify populations of specific species or determine the presence of rare or endangered species may be required at a later date. It is very important that you answer these questions accurately. If you are unable to obtain appropriate answers from your local California Department of Fish and Game biologists (see attachment for address and telephone number) or you do not have adequate information or expertise to complete your answers, you should hire a fishery consultant and/or a wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or wildlife consultants near you, consult your local telephone directory yellow pages under **Environmental and Ecological Services**, or call the California Environmental Protection Agency, Registered Environmental Assessor (REA) Program at (916) 324-6881 or the University of California, Cooperative Extension Service (see your local telephone directory white pages).

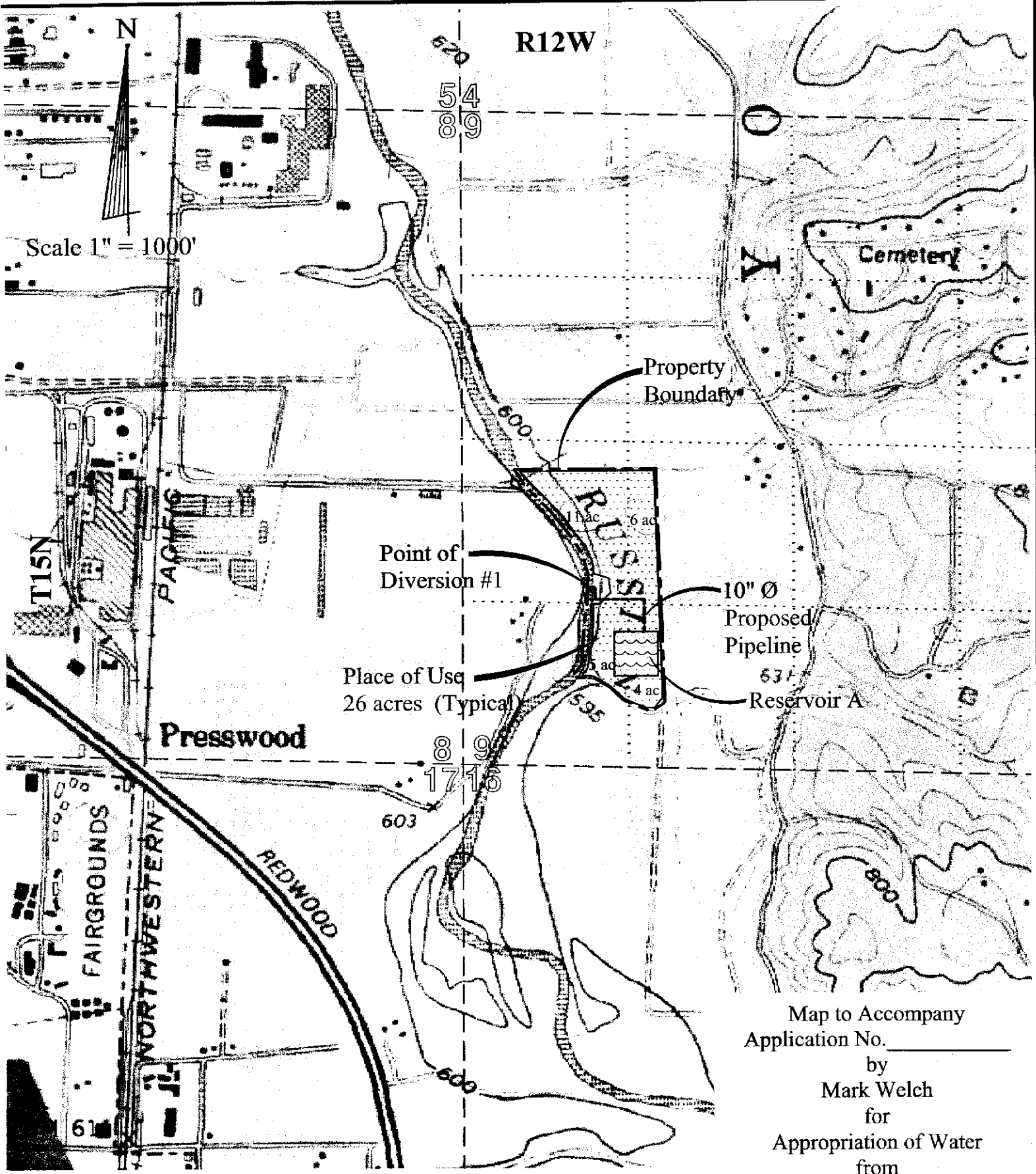
12. Does your proposed project involve any construction or grading-related activity which has significantly altered or would significantly alter the bed or bank of any stream or lake? No

If so, explain: _____

CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits are complete to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date 3/25/03 Signature Paul J. Keaton



Map to Accompany
 Application No. _____
 by
 Mark Welch
 for
 Appropriation of Water
 from
 The Russian River

Mendocino County, California
Wagner Bonsignore
 Consulting Civil Engineers, A Corporation

- | Map Point | Description |
|-----------|--|
| 1 | Point of Diversion to Offstream Storage in Reservoir A: Located N.550,325 and E.1,662,190 California Coordinate System, Zone 2. Being within the NW¼ of SW¼ of Projected Section 9, T15N, R12W, MDB&M. |
| A | Place of Storage for Water Diverted at Point of Diversion #1: Being within the SE¼ of SW¼ of Projected Section 9, T15N, R12W, MDB&M. |

Photographs to Accompany Water Right Application
by
Mark Welch Vineyards



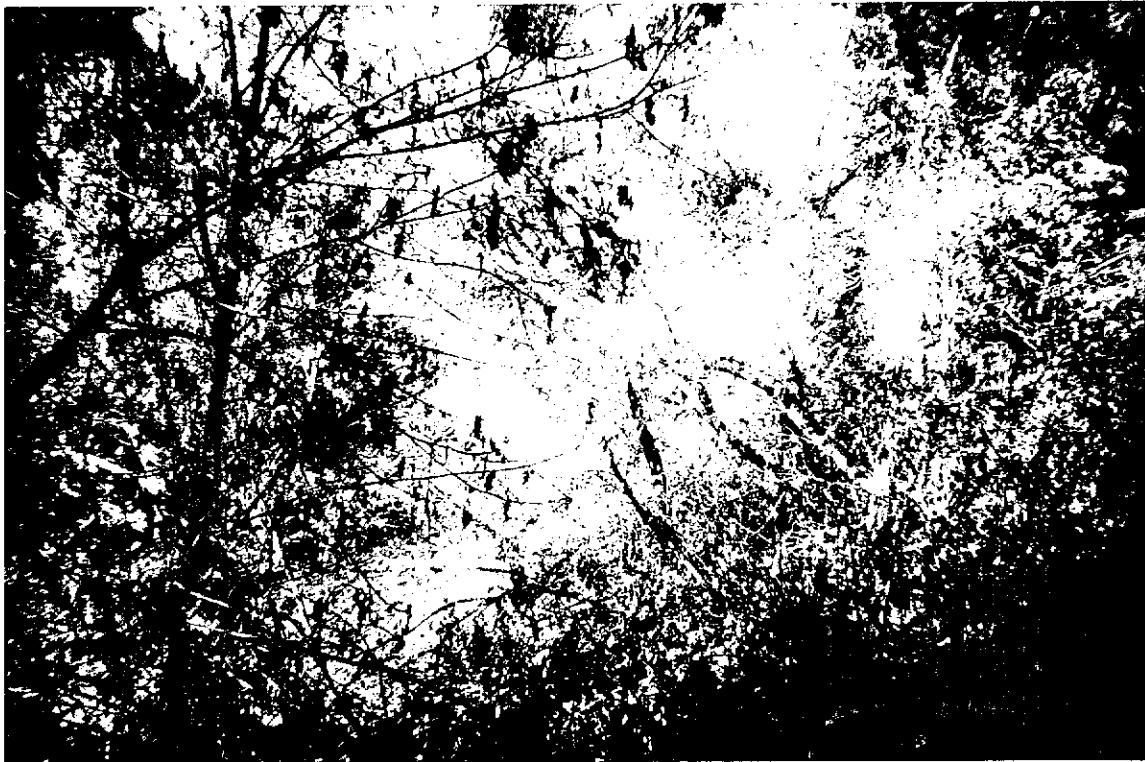
Looking downstream of POD #1 - 11/21/02



Point of Diversion #1 - 11/21/02

31426

Photographs to Accompany Water Right Application
by
Mark Welch Vineyards



Looking upstream of POD #1 – 11/21/02



Typical Place of Use – 11/21/02

Photographs to Accompany Water Right Application
by
Mark Welch Vineyards



Typical Place of Use – 11/21/02



Proposed Location of Offstream Reservoir A – 11/21/02